

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse § AGREED  
License Number 78404 §  
issued to CAROLYN JEAN HENSON § ORDER



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Patricia P. Thomas*  
Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Board accepted the voluntary surrender of Vocational Nurse License Number 48404, issued to CAROLYN JEAN HENSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received an Certificate in Vocational Nursing from Tyler Junior College Vocational Nursing Program, Tyler, Texas, on September 18, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1978.
5. Respondent's employment history is unknown.

6. On or about May 4, 1989, Respondent was issued the sanction of Voluntary Surrender by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 8, 1988 is attached and incorporated, by reference, as part of this Order.
7. On or about January 6, 1992, Respondent was issued the sanction of Probation by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 28, 1992 is attached and incorporated, by reference, as part of this Order.
8. On or about December 1, 1992, Respondent was issued the sanction of Probation by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 1, 1992 is attached and incorporated, by reference, as part of this Order.
9. On or about March 12, 1996, Respondent was issued the sanction of Probation by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 12, 1996 is attached and incorporated, by reference, as part of this Order.
10. On or about July 21, 2003, Respondent entered a plea of Guilty to FRAUDULENT PRESCRIPTION (a 3rd degree felony offense committed on March 20, 2002), in the 173rd Judicial District Court Henderson County, Texas under Cause Number C-11389. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of ten (10) years. Additionally, Respondent was ordered to pay a fine and court costs.
11. On or about March 23, 2005, Respondent submitted a Texas Online Renewal Document License Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that on or about July 21, 2003, Respondent entered a plea of Guilty to FRAUDULENT PRESCRIPTION (a 3rd degree felony offense committed on March 20, 2002), in the 173rd Judicial District Court Henderson County, Texas under Cause

Number C-11389.

12. In response to Finding of Fact Number Six (6) through Ten (10), Respondent states this was all related to when her disease had complete control over her. She was using the pain pills because she could not accept the fact that her late husband had Cancer at that time in her life. She was lost as if her world had ended. She did order medications like Vicodin for a patient at the Nursing home but she ordered it for herself. Her DON called the Pharmacy to check on the medication and that is when they found out she had ordered it but kept it for herself. Her DON then called the Board of Nursing to report the incident. She went to rehabilitation as she was instructed. She did fill out the papers for TPAPN in which She did complete the program with no complications. Due to the TPAPN being a part of the Board of Nurse Examiners she thought the Board was also notified. She is so sorry she did not know she needed to do that. Since this she has been clean for 7 years. The person that did the things 7 years ago no longer lives. She thanks God and TPAPN for giving her another chance to get her life together. She has learned to love herself again and be the kind of nurse that God wants her to be.
13. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
14. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
15. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 302.402 (a)(3),(9)&(10) (effective 9/1/2001) and Section 301.452(b)(2),(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(28)&(29)(A)(effective 12/1/2002) and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations

Code, to take disciplinary action against Vocational Nurse License Number 78404, heretofore issued to CAROLYN JEAN HENSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 78404, heretofore issued to CAROLYN JEAN HENSON, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

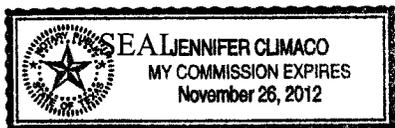
I understand that I have the right to legal counsel prior to signing this Agreed Order.

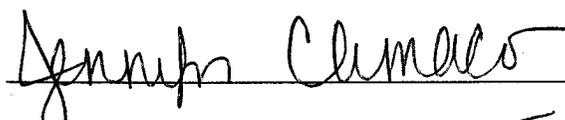
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 20<sup>th</sup> day of November, 2010.

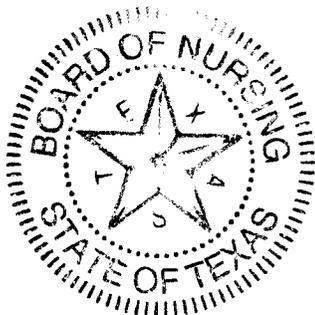
  
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CAROLYN JEAN HENSON, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of November, 2010.

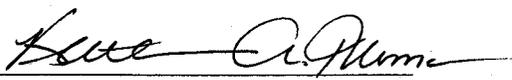


  
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Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 78404, previously issued to CAROLYN JEAN HENSON.



Effective this 1st day of December, 2010.

  
Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board